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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,183	08.28.2001	Andrea Born	WSP.199 US	9793

7590 07/22/2003  
Dunn & Associates  
PO Box 10  
Newfane, NY 14108

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)		
Examiner	Group Art Unit		

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## P riod for R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Di position of Claims

- ☒ Claim(s) 14-43 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 14-43 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Pri rity under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))
- \*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1711

1. Claims 14-43 are being examined.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-34 and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letoffe et al (USP 4532315).

Letoffe discloses organopolysiloxane compositions (abstract). They comprise (A) polyhydroxylated polysiloxane, (B) cross linking agent, (C) inorganic fillers and (D) hardening accelerators (col. 2, lines 16-42). The inorganic fillers can be in form of more coarsely divided particles with a mean particle diameter greater than 0.1  $\mu\text{m}$  (col. 5, lines 53-57). They may be a mixture of several types of fillers with different particle size distributions (co. 6, lines 15-21). A typical composition contains 20 parts of ground quartz having a mean particle diameter of 5 microns and 20 parts of titanium dioxide with a mean particle diameter of 8 microns. Compositions may contain usual adjuvant and additives. Since the filler portion of the composition includes particles having two different mean particle diameters, composition satisfies the (claimed) limitation of "bimodal particle size distribution". Amounts of silica and titanium dioxide (in examples) satisfy the (claimed) range of weight ratio. The composition is applied to surfaces as shown in illustrative examples.

Art Unit: 1711

It is true that prior art does not mention contact angle of more than 130 after three minutes (instant claim 14). Nonetheless, it is reasonable to infer that composition of prior art satisfies this limitation because it (the composition of prior art) contains the (claimed) ingredients in claimed amounts.

It would have therefore been obvious to follow teachings of Letoffe and arrive at instantly claimed invention.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letoffe et al (USP 5328941) as applied to claim 1 above, further in view of Hayashi et al (USP 5328941) or Takahashi et al (USP 6239246).

Disclosure of Letoffe is presented earlier.

Letoffe does not mention additive(s) of instant claim 34.

Hayashi describes organopolysiloxane composition containing thickener, heat stabilizer, colorant etc. (col. 5, lines 3-8).

Takashi discloses compositions based on organopolysiloxanes which also contain anti-foaming agents, pigments etc. (col. 7, lines 58-63).

It would therefore have been obvious to add to the composition of Letoffe, additives (of Hayashi and/or Takashi) in order to increase viscosity, to prevent settling, for stabilization against heat and to remove or minimize formation of foam.

Art Unit: 1711

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (703) 308-3224. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
U.K. Rajguru/dh  
July 17, 2003

  
James J. Seidleck  
Supervisor  
Art Unit 1711